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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,219	01/14/2002	Rangarajan Sundar	P905 US	6395

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MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
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SANTA ROSA, CA 95403

EXAMINER

CHEN, BRET P

ART UNIT PAPER NUMBER

1762

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

mmv

Office Action Summary

Application No.

10/050,219

Applicant(s)

SUNDAR, RANGARAJAN

Examiner

B. Chen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-16, 29 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-30 are pending in this application.

Election/Restrictions

Applicant's election without traverse of claims 17-28 in the reply filed on 10/5/04 is acknowledged.

Claims 1-16, 29-30 are withdrawn from consideration as being directed to a nonelected invention.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. **It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.**

The examiner suggests deleting the phrase "The invention provides".

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure

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of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) **if a process, the steps.**

Extensive mechanical and design details of apparatus should not be given.

It is noted that the claimed invention is directed to a method. The examiner suggests amending the abstract to reflect same.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

It is noted that the claimed invention is directed solely to a method. The examiner suggests amending the title to reflect same.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ding et al. (6,284,305) or Hossainy (6,555,157). Ding discloses a method of coating a stent to be used as a deployed stent prostheses, the coating being capable of effective controlled long-term delivery of biologically active materials (col.3 lines 24-29). The coating can be applied as a mixture or solution (col.4 lines 10-24) and can be multilayer (col.3 lines 34-37). In one embodiment, the coating may be applied by dipping or spraying in which the preferred process is a reciprocally spray coating a rotating radically expanded stent (col.5 lines 1-11). However, the reference fails to specifically teach dipping while rotating the stent.

It is noted that Ding clearly teaches that the coating can be applied by dipping or spraying. The reference also teaches that the stent can be rotated during spraying. One skilled in the art would reasonably expect that the stent could be rotated during dipping because the reference clearly teaches the interchangeability of the two processes. Hence, it would have been obvious to one skilled in the art to rotate the stent while dipping with the expectation of obtaining similar results.

The limitations of claims 18-20 have been addressed above.

In claims 21-27, the applicant requires a specific rotation rate, time, and thickness. It would have been obvious to one having ordinary skill in the art to have determined the optimum

value of a cause effective variable such as rotation speed, time, and thickness through routine experimentation in the absence of a showing of criticality.

In claim 28, the applicant requires a program. It is well settled that it is no invention to broadly provide a mechanical or automatic means to replace a manual activity which has accomplished the same results.

Claims 17-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hossainy (6,555,157) in view of Ding et al. (6,284,305). Hossainy discloses a method of coating a stent by utilizing a centrifuge system (col.1 lines 7-10) in which the coating can be sprayed or dipped from a solution (col.2 lines 43-54). The centrifuge system is utilized to rotate the stent about an axis at high speeds (col.7 lines 39-50). This rotation provides a more uniform coating (col.7 lines 52-59). However, the reference remains silent on rotation during coating.

Ding discloses a method of coating a stent while rotating a stent as taken above.

It is noted that Hossainy clearly teaches of coating a stent by dipping. Ding teaches the conventionality of dipping while rotation. It would have been obvious to rotate the stent of Hossainy during coating as taught by Ding with the expectation of obtaining the known benefits.

The limitations of claims 18-28 have been addressed above.

Jayaraman (5,891,507), Dinh et al. (6,399,144), Ding et al. (6,358,556), and Berg et al. (5,464,650) have been cited as relevant art.

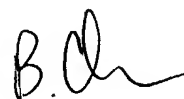
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to B. Chen whose telephone number is (571) 272-1417. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (571) 272-1415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bc
11/30/04



BRET CHEN
PRIMARY EXAMINER